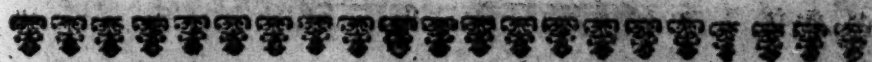




Mr. Stone's
Affize Sermon.



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O R, A

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SERMON

P R E A C H E D

Before the H O N O U R A B L E

The Judges of the Superiour Court of
Judicature Court of Assize & General
Goal Delivery, holden at **Barnstable**
for the Counties of **Barnstable** and
Dukes County, April 24. 1728.
being the first time that Court was
held there.

By **Nathanael Stone**, A. M.

Pastor of the Church in *Harwich*. K.

Published by Order and at the Desire
of the Justices of said Court.

B O S T O N in N E W - E N G L A N D :

Printed by *B. Green*, for *Daniel Henchman* at his
Shop over against the Brick Meeting House
in Corn-Hill. 1 7 2 8.

Council of Magistrates

O. R. A.

SERMON

PREACHED

Before the Honorable

The Judges of the Superior Court of
Judiciary Court of Mass & General
Court Delivery, held at Barnstable
for the Counties of Barnstable and
Dukes County, April 24, 1788.
being the first time that Court was
held there.

By Nathaniel Bacon, A. M.

Pastor of the Church in Barnstable.

Printed and Sold by the Author
at the Office of the Printer

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Printed by B. Green, for David Hurdwick at his
Shop over against the Brick Meeting House
in Cornhill, 1788.

An Affize SERMON.

II. CHRONICLES XIX. 8.

Moreover, in Ferusalem did Jehoshaphat set of the Levites, and of the Priests, and of the chief of the fathers of Israel, for the judgment of the LORD, and for controversies, when they returned to Ferusalem.



WITHOUT insisting on any thing that might have been said respecting the context, introductive to the Doctrine to be observed from the Text, I only here note,

I. T H A T here were of the Levites, Priests and chief of the Fathers of Israel appointed for the administration of Judgment and Justice. Whether these were the Council of Seventy, whether they were two distinct Courts, the one consisting of Ecclesiastick, the other of Civil Judges; or whether both were united in one and the same Court, as seemed to be usual in Israel, I think it not necessary to make any particular inquiry. That they were Judges is certain: its also certain that they were appointed to the weighty work of dispensing publick Justice,

Justice, among a People who solemnly professed themselves to be the People of the Lord ; a People who, whatever they were by practice, professed to devote themselves to the fear, love and service of that glorious and fearful Name, commemorated in *Deut.* 28. 58.

2. IT was King *Jehoshaphat*, that genuine Son of his ancient, excellent Father *David*, that appointed them to this weighty & important work. This was not done by *Rehoboam*, *Joram*, *Ahaz* or *Ammon*, but by pious, prudent, faithful & prosperous *Jehoshaphat* ; by Him in whose days and by means of whose faithful administration of Government under G O D the Son, that Kingdom was then eminently strong, prosperous, and flourishing.

3. THESE Judges were appointed for the Judgment of the L O R D, and for controversies. Whether these words are to be taken as containing a distinction between Ecclesiastical and Civil Cases, I do not determine. However its certain that the Judgment mentioned, whether relating to the One or to the Other, was still the Judgment of the L O R D : it was the L O R D 's Judgment they were to administer, whether it related directly to Civil or to Ecclesiastical matters. Accordingly we find the King solemnly cautioning his Judges, as in the Context, *v.* 6. *Take heed what ye do : for ye judge not for man, but for the L O R D, who is with you in the judgment.* So also in *v.* 7. *Let the fear of the L O R D be upon you, take heed and do it ; for there is no iniquity with the L O R D our God, nor respect of persons, nor taking of gifts.* So, the Judgment to be dispensed by them was for the L O R D, or J E-
H O V A H,

HOVAH, in His Name, by virtue of His Authority, and for His Glory, they were herein to act.

4. THESE Judges (at least, as some suppose) were Superiour Judges; Judges before whom were to come, at Jerusalem, Appeals from other, Inferiour Courts in the Land of Judah. Hence those words; *When they returned to Jerusalem: i.e.* When Causes and Controversies shall be returned, from other Courts of Justice in the Land, to the Superiour Court held at Jerusalem. Cases by Appeals from other Courts of Justice shall be returned, for their final determination, to that at Jerusalem. But however it was as to this conjecture, yet the judgments to be passed by these Courts of Justice were the LORD's: The Judges in them were all to act under his awe, in his name, by his authority, and as to their last end for his glory.

DOCTRINE.

CIVIL Rulers of pious Minds consider the judgment to be dispensed by themselves or others, (as indeed it is) the judgment of the LORD, and as such they dare not but dispense it.

THE truth of this Doctrine may be evident respecting King Jehoshaphat, without going any further than my Text and Context. His deep concern for the administration of Equity and Justice in his Kingdom; that the Judgment of the LORD should be indeed dispensed in every Court of Justice, is very illustrious. He was of the very same Spirit as to this with his great Master,

Master, in *Isai. 59. 17.* *He put on righteousness as a breast-plate, and an helmet of salvation upon his head; and he put on the garments of vengeance for cloathing, and was clad with zeal as a cloke.* This is the very spirit and disposition of Civil Rulers of pious Minds. Whether they have their Posts in the Legislative, or Executive part of the Government; whether they sit on lower or higher Seats of Justice; be their betrustments of lesser or greater weight and importance, this is their disposition represented to us in King *Jehoshaphat*.

BUT for further illustration of this weighty Truth, let these following things be regarded by us; As,

1. *T H A T Civil Rulers are indispensably necessary among a People.* Without them there is no subsisting for Mankind; at least none, for Societies of Men together. Such is the barbarity, baseness, and injustice of humane Nature contracted by the fall, that Men cannot subsist one by another without this constitution of *GOD*, Civil Government. How soon would the world be filled with violence, and become a field of blood, were it not for Government; but for this, these hearts we read of, in *Jer. 17. 9.* would soon bring into act such treachery, rapine, cruelty, and all manner of villanies, that there would be no subsisting. That Scripture would soon be verified again, and that in an high degree, in *Gen. 6. 11.* *The Earth was filled with violence.*

2. *T H E L O R D* has accordingly appointed that Civil Rulers should preside among or over People. Tho' no particular form of Civil Government be prescribed in the Scripture respecting Man-

Mankind in general ; yet GOD has ordained the Being of Government. Hence we read, in Rom. 13. 1. 2. *There is no power but of God : The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God.* Its true, that Men do sometimes by wicked wayes obtain to be invested with power ; they get into places of trust in that regard, not according to the preceptive will of GOD ; but indeed in opposition thereunto : but still the powers that be ordained, are ordained of GOD. Its His declared will that there should be an investiture of power in some among a People for Civil Rulers.

3. *To some in Civil Rule, belongs only or especially the work of dispensing Civil Justice.* Tho' they may be concerned both in the Legislative and Executive power ; yet they are more especially to apply themselves to what concerns the Execution of the Laws ; to see that Right and Justice take place ; to see to it that Cases, whether Civil or Criminal pass agreeably to the rules of Reason, Scripture and Equity.

4. *PIOUS Minded Rulers consider the Judgment to be passed by them from time to time, as the Judgment of the L O R D.* When sitting on the Seats of Judgment their minds are solemnized with thoughts, whose Judgment it is, they are to pass. The Supreme Governour and Judge of the World, is not seldom in their Minds, when on the judgment Seats. The great GOD, their own Sovereign is far from being out of all their thoughts ; the Judge of all the Earth, of whom it is said, as in Gen. 18. 25. *Shall not the Judge*

of all the earth do right? His Judgment they look on themselves as sitting to dispense: His Judgment it is; and as His they regard it in these respects, viz.

1. I N that they are His Creatures to whom they are to dispense it; the workmanship of His hands; Creatures framed out of the dust by His infinite skill and wisdom, and animated by breath from His Mouth, as in Gen. 2. 7.

2. I N that its by His actual assistance that they are capable to determine on, and then pass their judgment. In Him they still live and move; nor can exert a thought, or make a judgment on any case without His actual assistance of their Minds thereto. Prov. 16. 1. The preparations of the heart in man, and the answer of the tongue is from the Lord.

3. I N that it is by His power and authority originally, that they are to act in judging. Pilate derived his power of judging from the Roman Emperor; yet CHRIST tells him, as in Joh. 19. 11. Thou couldest have no power at all against me except it were given thee from above. They derive their power of judging from the KING of Great Britain; yet could they have no power of dispensing Judgment, this notwithstanding, unless derived from Him, unto whom even the greatest Kings are but Subjects.

4. I N that they are His Laws unto which they are ever to have regard, as their Rule of Judging. Tho' Civil, Common, and Statute Law are all of use to them, and to be regarded by them; yet His

His broad Law is never to be over-looked. Nor may any Sentence be ever passed by them, that is not agreeable to, or jars with the Statute Law of Heaven. All others whatsoever, in respect of that, are By-Laws, and must be so accounted by Judges in all their administrations. Respecting them, that will hold an invariable truth, in *Isai. 8. 20.* *If they speak not according to this word, it is because there is no light in them.*

5. *IN that the good of Mankind, but ultimately the Glory of His great Name is ever to be their End in Judging.* The highest Subordinate End must be the good of the Publick; but the highest, the last End of all must be the Glory of that great Name, which the Judge of Israel had so much at heart, in *Josh. 7. 9.* At this End they must have their eye in that, as indeed in all other things done by them, as in *1 Cor. 10. 31.*

NOW from these considerations Pious Rulers regard the Judgment to be passed by them, as the Judgment of the LORD: it is His Judgment with which they are concerned; and accordingly as His they do consider it.

5. *AS the LORD's Judgment, they accordingly do, and dare not but dispense it.* As His they look upon it, regard it, ponder it; and know that under this consideration it must be dispensed by them; that impartiality and equity must attend every of their administrations; that they may not entertain any sinister respects in Judgment; that they must not turn either to the right or left hand, from the strait line of equity in any of their administrations; that herein they must

carefully conform to Him, with whom is no respect of Persons, as *Act. 10. 34.* They consider that Justice and Judgment are the habitation of His Throne, *Psal. 89. 14.* That Himself neither does nor can vary one hairs breadth from Right; that they themselves must accordingly, to the utmost of their power conform to their infinitely glorious Pattern.

AND hereunto they are yet more particularly constrained by these things; as,

1. *AS having in themselves a new natural Propensity to goodness, truth and justice.* They have new natures given to them; are renewed in the spirit of their minds, from whence arises an internal abhorrence of baseness, partiality, and injustice, and a proportionable love to what is fair and equal, right and just. They have a participation of His Nature, of whom its said, *Psal. 11. 7. The righteous LORD loveth righteousness.* Hence they hate forgers of lies, such as be plotters of wickedness; them that fold together as Thorns in prosecution of the mischief they have devised upon their beds, or in their cabinet Councils. The very temprature of the Natures of Pious Judges, engages them to nauseate corrupt and base practices, and to imitate their Master in scattering away all evil with their eyes, *Prov. 20. 8.*

2. *AS knowing that the weal of a People does very much depend on their dispensing of the LORD's Judgment.* They consider the depravation of humane Nature; the wicked propensity that is in Men to harm and injure one another;

another; the arts they use to cloud truth, and impose on them with whom they are concerned, yea, on Judges themselves; the fatal event that may be of success in their vile attempts. Hereupon they imitate the practice of that famous Judge, who saith in Job 29. 16, 17. *The cause which I knew not I searched out. I broke the jaws of the wicked, and plucked the spoil out of his teeth.* The wealth or welfare of their People they seek, as Mordecai did, in Esther 10. 3. And this they do by a vigorous dispensement of the Judgment of the L O R D.

3. *T H E Y* know that the eyes of judicious Persons are on them, to observe the Judgments passed by them. Its a superior Orb they move in. They are publick Posts that are sustained by them. They act in the view, not of a few Inferiour, Unthinking Persons only; but in the face of the Country; and so have their administrations scanned by some of the most critical and sagacious. They are civil Lights sat on a Hill, placed in publick view, as in Mat. 5. 14. And to this they have regard, and hereby they are induced (tho' not in the chief place) to dispence Judgment, as the Judgment of the L O R D.

4. *T H E Y* do not forget that there is an Appeal to be had from their Judgments. They know that their sentence (be they inferiour or superior Judges) is not the last and final Sentence: All cases will have another hearing. The final Sentence is never passed in these Courts. The Supreme Judge of all has yet reserved an hearing to Himself. This He assures us of, in Eccl. 12. 14.

God.

God shall bring every work into Judgment, with every secret thing. The Judgment is the LORD's now : but the final determination of all cases is still reserved unto the LORD Himself ; immediately by Him to be determined. A while hence He will pass the last, the final Judgment respecting every Case, tho' not as it is a Civil Case. Nor will He need any Witness, Jury or Assistant in doing of it. Nor will there be a possibility of His erring ; nor any Appeal to be obtained from His Sentence.

5. *THEY consider that a time is coming when themselves shall surely stand on even ground with them, respecting whom they pass their Sentences.* They do not forget that every Person as well as every work shall come into the final Judgment. They think and say, as once a Judge of the Ecclesiastick order did, in Rom. 14. 10. *We shall all stand before the Judgment Seat of Christ.* When the infinite Man, now on His Throne of Government, comes to pass the final Doom ; the Small and Great, whether in respect of Stature or Degree, Figure or Place, must stand before Him, Rev. 20. 12. None will then be so minute as to be over looked : nor any so great as to be exempted.

6. *THEY contemplate on this, that a Judgment will ere long be passed on themselves, from which no appeal will ever be admitted.* The minds of Pious Judges are often entertained with thoughts of this importance. They have plentiful occasions for such thoughts ; frequently see themselves on Seats of Judicature, and others at the Bar before them ; have often in their view some faint resemblance of the great & final Judgment.

These

These views of theirs give them plentiful occasion for thoughts like those of him, in 2 Cor. 5. 10. *We must all appear before the Judgment Seat of Christ, that every one may receive the things done in his body; according to that he hath done whether it be good or bad.* Thus solemnly do they entertain themselves with thoughts of the time coming, when themselves must stand at the Bar, and with those very eyes see their infinite Judge on the Throne before them; when they shall also hear their own doom pronounced, which shall stand firm and that for ever.

7. **THEIR** Pious minds suggest to them, that the more exactly right and just they are in judging, the more similitude they bear to their own great and glorious Judge. Its accounted by them their honour to bear any conformity to their Supreme and Sovereign LORD. Their minds are agreeable with that of him; in Psal. 116. 16. *O Lord, truly I am thy servant, I am thy servant, &c.* To be His Servants is their glory, and thus esteemed by them. They accordingly count it their glory, their great glory to bear, as much as possible of His Image both on their Minds and Actions. And hereupon they will do Justice, with abhorrence of the contrary, that so they may be the more conformable to their infinitely great Master. How often do they think, and how much do their minds dwell on what is said, in Gen. 18. 25. — *Shall not the Judge of all the Earth do right?* And how covetous are they that in all their administrations they may have a correspondence to Him!

B. THEY

God shall bring every work into Judgment, with every secret thing. The Judgment is the LORD's now : but the final determination of all cases is still reserved unto the LORD Himself ; immediately by Him to be determined. A while hence He will pass the last, the final Judgment respecting every Case, tho' not as it is a Civil Case. Nor will He need any Witness, Jury or Assistant in doing of it. Nor will there be a possibility of His erring ; nor any Appeal to be obtained from His Sentence.

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B. THEY

8. **THEY** remember that their *Commissions* are originally from **G O D** Himself; and none other. They know that second Causes are not exclusive of the first; but for ever suppose it; that they could have no power at all, but from Him, to whom the sole right of Rule originally belongs; accordingly, that it would be horribly exorbitant not to conform as much as possible to their infinite Pattern, from whom their *Commissions* derive originally unto them.

9. **FINALLY, THEY** bear it in Mind, that they shall have most Peace and Calm within themselves, when impartially just in dispensing Judgment. Serenity of Mind is in this way to be expected. This they know to be the way to Peace within, and that without which indeed it is not to be expected. No method to be taken for obtaining and maintaining internal Peace, calm and pleasancy like to that of conformity to His Practice, in Act. 24. 16. *Herein do I exercise myself to have always a conscience void of offence toward God and toward men.* Herein indeed is a Pattern proposed for the imitation, not of this or that particular order of Persons only; but of all Christians of every Character whatsoever.

F R O M what has been delivered, the following Conclusions may be inferred; and so an end put to this Discourse: *viz.*

1. **THAT** Judges of Pious Minds will set the **L O R D**, even their own Supream Judge before them, in all their administrations. His practice is their Pattern, of whom we read, in Psal. 16. 8. *I have set the L O R D always before me.*

2. **THEIR**

2. **THEIR** Pious Minds carefully watch against any Bias being on; or swaying in their Minds, through Affection on the one side, or Prejudice on the other. When Cases come before them and Judgment is to be passed by them, their resolution is that of him, in Psal. 75. 2. *When I shall receive the Congregation, I will judge uprightly.*

3. **THEY** cannot, dare not allow of Testimonies to come into the Publick that tend to prove nothing, but serve only to reproach Mens Names, and stain their Reputation. Accordingly,

(1.) **THEY** discard all meer hear-say Evidences; such as can testify nothing, or nothing more than to meer humane infirmities, of their own knowledge; such as can only say, they heard such an one say this or that; and so by their very testimony cross that command, in Lev. 19. 16. *Thou shalt not go up and down as a tale-bearer among the Children of thy People.* And imitate the wicked practice of them, in Jer. 20. 10. *Report, say they, and we will report it.*

(2.) **THEY** refuse to accept of such as Witnesses, who be evidently prejudiced against the Persons of them against whom they bear their testimony. Apparently prejudiced Evidence they cannot accept (at least they will make an allowance according to the rules of Reason and Scripture for their Prejudice) in transacting the Judgment of the LORD. Accordingly they, agreeably to the direction, in Deut. 19. 18. — *Will make diligent inquiry, whether the witness be a false witness, and has testified falsely against his Neighbour.*

4. **THEY**

4. *THEY* will not admit of *Presentments* to be made of *Persons*, in opposition to the Word of *GOD* contained in the *Scripture*. They are apprehensive that the *Scripture* has a tender regard to the *Names* and *Reputations* of *Men*; that in it is contained an implicit command, in *Psal. 15. 3.* *That a reproach shall not be taken up against our Neighbour*: which unquestionably includes in it a prohibition of receiving & divulging any thing, that tends to defame *Mens Names*, without *Scripture Evidence*. Its also expressly commanded in *Lev. 19. 16.* fore-mentioned: *Thou shalt not go up and down as a tale-bearer among the Children of thy people*: which, no doubt, contains in it this negative Precept; viz. That we do not receive and tell to others, what tends to defame our Neighbour, when as its not known by us to be probable, according to that express command in *Deut. 19. 15.* *One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth. At the mouth of two witnesses, or at the mouth of three witnesses shall the matter be established.* Tale-bearers according to *Scripture*, are certainly such as receive, and convey from one to another reports, without *Scripture proof*, which serves only to slur the *Reputation* of their Neighbours.

5. And lastly, *PIOUS* minded *Judges* will be deeply *Sollicitous* that their under *Officers* break not loose from the bonds of their solemn *Oaths*. That they be such *Men* whose *Consciences* receive impressions by an *Oath*; such *Men* as dare not yield to the *Bias* of *Prejudice* or *Affection*; such *Men* as can truly say, as in *Job 31. 23.*
Destruction

An Affize SERMON.

79

Destruction from God was a terror to me. Such Men as these, especially on Juries, they will alwayes covet to have about them. Their spirits temper and disposition, is, as to this, as well as other things, like to that of the Man after GOD's own heart, who said in Psal. 101. 3, 4. I hate the work of them that turn aside; it shall not cleave to me. I will not know (i.e. not own, countenance or imploy) a wicked Person.

F I N I S.



AN ADDRESS TO THE

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to me. I will not know (I am not own) counts
man or (suppose) a wicked person.

FINIS



